

Janet Napolitano
Governor

Robert B. Pinkert, O.D.
President

Christina M. Sorenson, O.D.
Vice President



Arizona State Board of Optometry
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Margaret Whelan
Executive Director

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FINAL MINUTES FOR REGULAR SESSION MEETING: JANUARY 20, 2006

Board Members

Robert B. Pinkert, O.D., President
Christina M. Sorenson, O.D., Vice-President
Caroline Griego, O.D.
Robert J. Maynard, O.D.
Lawrence Ponemon, PhD
Curtis R. Winkler, M.D.

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Dawn Walton Lee, Assistant Attorney General

A. CALL TO ORDER:

Dr. Sorenson called the meeting to order at 9:06 a.m.

B. ROLL CALL:

Board Members Present: Christina M. Sorenson, O.D., Vice President
Robert J. Maynard, O.D.
Caroline Griego, O.D.
Curtis Winkler, M.D.

Board Members Absent: Robert B. Pinkert, O.D., President
Lawrence Ponemon, PhD

Legal Counsel Present: Melissa Cornelius, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT'S REPORT:

Dr. Sorenson summarized number of Board meetings, number of complaints received and resolved, licensing statistics, and significant changes made to rules, renewals, and staff in calendar year 2005.

D. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

1. ASBOO vs. Stuart Adams, O.D.

IR#200518

Dr. Sorenson summarized the case and recommended the Board table the complaint to obtain a signed, notarized letter from Dr. Adams' staff member stating they are the one who ordered the medication.

MOTION: Dr. Maynard moved to table to next regularly scheduled Board meeting in order to obtain a signed affidavit from Dr. Adams' staff member who ordered the medication. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO	0						
ABSTAIN	0						
ABSENT	2			X		X	

VOTE: Motion passes 4-0.

2. K.M. vs. Christine Liu, O.D. and Lawrence Stern, O.D.

IR#200607

Dr. Sorenson summarized the case and recommended the Board dismiss the case for Dr. Stern due to lack of violation of the optometry practice act. Dr. Sorenson then recommended the Board issue a Letter of Concern to Dr. Liu for unprofessional conduct and violation of record keeping pursuant to A.R.S. §32-1743.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act against Dr Lawrence Stern. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO	0						
ABSTAIN	0						
ABSENT	2			X		X	

VOTE: Motion passes 4-0.

SECOND MOTION:

Dr. Maynard moved to issue a Decree of Censure to Dr. Liu for unprofessional conduct and violation of record keeping pursuant to A.R.S. §32-1743. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO	0						
ABSTAIN	0						
ABSENT	2			X		X	

VOTE: Motion passes 4-0.

3. S.D. vs. John Schrolucke, O.D.

IR#200611

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO	0						
ABSTAIN	0						
ABSENT	2			X		X	

VOTE: Motion passes 4-0.

4. ASBOO vs. Lawrence Stern, O.D.

IR#200612

Board went into executive session at 9:56 a.m.
Board reconvened regular session at 10:05 a.m.

Dr. Sorenson summarized the case and recommended the Board continue the case to collect and retrieve exam records at the end of a three-month period.

Board went into executive session at 10:12 a.m.
Board reconvened regular session at 10:20 a.m.

MOTION: Dr. Winkler moved to collect exam records and summaries to re-evaluate after the three-month timeframe and continue this case until three-month review. Dr. Maynard seconded the motion.

VOTE: Motion passes 4-0.

5. ASBOO vs. John Schrolucke, O.D.

IR#200613

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO	0						
ABSTAIN	0						
ABSENT	2			X		X	

VOTE: Motion passes 4-0.

6. ASBOO vs. Christine Liu, O.D.

IR#200614

Dr. Sorenson summarized the case and recommended the Board issue a Letter of Concern to Dr. Liu for failure to notify or comply with keeping a public address of record pursuant to A.R.S. §32-1742.

MOTION: Dr. Maynard moved to rescind the motion taken on IR#200607.

VOTE: Motion passes 4-0.

SECOND MOTION: Dr. Maynard moved to combine IR#200607 with IR#200614 and move both cases to informal interview to address issues of record keeping, patient care, and lack of notification to the Board of public address. Dr. Sorenson seconded the motion.

VOTE: Motion passes 4-0.

E. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

7. ~~Grace, Darryl~~ WITHDRAWN

8. Lew, Ruby

MOTION: Dr. Sorenson moved to approve item 8 for licensure. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

9. Nguyen, Tham

MOTION: Dr. Sorenson moved to approve item 9 for licensure. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

F. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING ENDORSEMENT APPLICATIONS:

10. Huber, William

MOTION: Dr. Sorenson moved to approve item 10 for licensure. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

11. Kalina, Richard

MOTION: Dr. Sorenson moved to approve item 11 for licensure. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

12. Lew, Joanne

MOTION: Dr. Sorenson moved to approve item 12 for licensure as a regular applicant. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

13. Malakova, Natalya

MOTION: Dr. Sorenson moved to approve item 13 for licensure as a regular applicant. Dr. Maynard seconded the motion.

VOTE: The motion passed 3-1.

14. Reedy, Lawrence

MOTION: Dr. Sorenson moved to approve item 14 for licensure. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

15. Schub, Philip

MOTION: Dr. Sorenson moved to approve item 15 for licensure. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

G. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PHARMACEUTICAL AGENT CERTIFICATE APPLICATIONS:

16. Horwitz, Sherri

MOTION: Dr. Maynard moved to table application, as Dr. Horwitz does not meet the current requirements to hold a Pharmaceutical Agent Certificate, as she needs a 12-hour Pharmacology course to meet the requirements. The application is to be resubmitted to Board for approval once requirements have been met. Dr. Sorenson seconded the motion.

VOTE: Motion passes 5-0

17. Marchbanks, George

MOTION: Dr. Maynard moved to table application as Dr. Marchbanks does not meet the current requirements to hold a Pharmaceutical Agent Certificate, as he needs more education to meet the requirements since he is not TPA certified. The application is to be resubmitted to Board for approval once requirements have been met. Dr. Sorenson seconded the motion.

VOTE: Motion passes 5-0.

H. REVIEW, DISCUSSION AND POSSIBLE VOTE ON NBEO LIST OF POTENTIAL EXAMINERS FROM ARIZONA:

18. Letter dated December 30, 2005 from National Board of Examiners in Optometry (NBEO)

MOTION: Dr. Sorenson moved to approve list as submitted excluding O.D.'s with pending disciplinary actions. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

I. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. §32-1704 (D) and A.A.C. R4-21-208.

19. None

J. REVIEW, DISCUSSION AND POSSIBLE VOTE ON LATE FEE WAIVER LETTER

20. Letter from Gary Baron, O.D.

MOTION: Dr. Sorenson moved to deny the request as the doctor received sufficient notice that renewals were due and there was no hardship as defined by the rules. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

K. REVIEW, DISCUSSION AND POSSIBLE VOTE ON REQUEST FOR REHEARING OR REVIEW:

21. James Cunningham, O.D. IR#200608

MOTION: Dr. Maynard moved to deny the request for rehearing or review as the doctor did not provide any new evidence to support his original application for licensure. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	3	X	X				X
NO	1				X		
ABSTAIN	0						
ABSENT	2			X		X	

VOTE: The motion passed 3-1. Dr. Winkler voted nay.

L. REVIEW, DISCUSSION AND POSSIBLE VOTE ON INVESTIGATIVE PROCESS AND ASSIGNMENT OF COMPLAINTS

22. Open discussion with Ms. Cornelius and the Board regarding handling of complaints

Ms. Cornelius discussed the handling and processing of complaints and tabled until next meeting to include Board President in the final discussion.

M. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

23. October 21, 2005 Regular Session Meeting Minutes

MOTION: Dr. Maynard moved to approve item 23 of the minutes with amendments. Dr. Sorenson seconded the motion.

VOTE: The motion passed 4-0.

24. November 18, 2005 Regular Session Minutes

MOTION: Dr. Maynard moved to approve tab 24 of the minutes with amendments. Dr. Sorenson seconded the motion.

VOTE: The motion passed 4-0.

N. EXECUTIVE DIRECTOR'S REPORT:

25. FICA Withholding change for Board Members

26. Budget

Ms. Whelan reported on tabs 25-26 inclusive.

O. CALL TO PUBLIC:

Dr. Sorenson made a call to the public at 11:22 a.m. No one was present to address the Board.

Dr. Winkler moved to adjourn the meeting. Dr. Griego seconded the motion. Meeting adjourned at 11:22 a.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date